



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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MAILED  
FROM DIRECTORS OFFICE

JUN 15 2005

TECHNOLOGY CENTER 3800

In re application of  
Phillip M. Santisi  
Application No. 10/615,407  
Filed: July 09, 2003  
For: FASTENING DEVICE

: DECISION ON REQUEST  
: FOR WITHDRAWAL OF  
: ATTORNEY

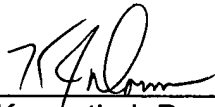
This is a decision on the request filed on January 27, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item B). While a reason may be provided by referencing a **specific** portion of 37 CFR 10.40, simply reciting that the reason is that "Application is being transferred to another agency" is insufficient. A more specific reason or referencing a specific portion of 37 CFR 10.40(c), is required for approval. It is noted that a paper was filed on February 04, 2005 requesting the office to disregard the Request to Withdraw as Attorney filed January 27, 2005. In as much as there are no provisions to disregard papers filed, the request to disregard is denied.



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KJD/slb: 05/26/05